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In re Application of :
KONAGAI et al :
Application No.: 10/579,895 :
PCT No.: PCT/JP2004/017639 :
Int. Filing Date: 19 November 2004 :
Priority Date: 21 November 2003 :
Attorney's Docket No.: YAMA:127 :
For: ARRAY SPEAKER APPARATUS :
DECISION

This decision is in response to applicants' "Petition to Vacate Express Abandonment" which is hereby GRANTED as follows:

Two sets of papers to enter the national stage were submitted for international application PCT/JP2004/017639. Papers to enter the national stage of PCT/JP2004/017639 were filed on 19 May 2006 using docket number 47031-0000. This U.S. application number was denoted 10/579,895. A duplicate national stage application using docket number YAMA:127 was filed on 22 May 2005. The U.S. application number was denoted as 10/580,075.

The attorney of the papers filed 19 May 2006 denoted U.S. application number 10/579,895 filed a "Petition for Express Abandonment to Avoid Publication Under 37 CFR 1.138(c)" on 12 July 2006. A decision granting this request by the Pre-Grant Publication Division, Office of Patent Publication was mailed that day. On 18 July 2006, an executed declaration in compliance with 37 CFR 1.497 was filed in U.S. application number 10/580,075.

In a decision mailed 29 September 2006, the Office of PCT Legal Administration merged the duplicate national stage applications into a single application. U.S. application No. 10/579,895 was denoted to be the national stage application of PCT/JP2004/017639. The attorney docket number of record was YAMA:127. Applicants then filed the subject petition to vacate the holding of express abandonment mailed 12 July 2006.

A review of the merged applications show that the granting of the petition for express abandonment under 37 CFR 1.138(c) filed 12 July 2006 was improper. The individual signing the petition for express abandonment was not the attorney or agent of record and had no authority to expressly abandon the national stage of PCT/JP2004/017639. See MPEP § 711.01.

Accordingly, the decision granting the petition to expressly abandon the subject application mailed 12 July 2006 is hereby VACATED.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

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